

Application No. 10/729,486  
Amendment dated January 17, 2007  
Reply to Office Action of October 24, 2006

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. – 10. (Canceled)

11. (Original) A storing and dispensing container for product comprising:

a flexible pouch for storing product, the pouch comprising a bottom portion with side portions adjoined to the bottom portion and each side portion adjoined to an adjacent side portion and the side portions extending away from the bottom portion, the side portions also adjoined to a top portion with the top portion overlying the bottom portion and being generally parallel to the bottom portion, and the top portion including a removable portion which seals the product within the pouch in a first condition and which allows access to the product within the pouch in a second condition;

a rigid flip top comprising a lid connected to a flange by a hinge, the flange being affixed to an outer surface of the pouch at the top portion of the pouch such that the rigid flip top overlies the removable portion of the pouch and the removable portion is surrounded by the rigid flip top at the outer surface of the pouch;

the flange forming a dispensing orifice through which the product can be dispensed when the lid is opened and the lid being removably positionable to be closed to engage the flange and thereby seal the pouch at the outer surface where the removable portion is surrounded by the rigid flip top; and

the hinge comprising a living hinge, the living hinge including a central strap and a pair of toggle straps with each toggle strap located on an opposite side of the central strap whereby the living hinge enables the lid to move throughout a first open position and wherein moving the lid past the first open position requires overcoming a force created by the central strap and the pair of toggle straps and when the force is

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overcome the lid is maintained in a second open position wherein the lid in the second open position is at an arc greater than the arc of the lid in the first position.

12.(Original) The container of claim 11 wherein moving the lid from the second open position to be closed requires the force be overcome in a direction reverse that when moving the lid from the first open position to the second open position.

13.(Original) The container of claim 11 wherein at least one toggle strap includes a pair of channels with a first such channel located at a first end of the strap adjacent the lid and a second such channel located at a second end of the strap adjacent the flange.

14.(Original) The container of claim 11 wherein the entire hinge when the lid is closed, including a thickness of the adjoining lid and flange adjacent the hinge, has a thickness no more than about 4 cm.

15.(Original) The container of claim 14 wherein the thickness is no more than about 3 cm.

16.(Original) The container of claim 14 wherein the thickness is no more than about 2 cm.

17.(Original) The container of claim 14 wherein the thickness is no more than about 1 cm.

18.(Original) The container of claim 14 wherein the thickness is no more than about 0.5 cm.

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19. (Original) The container of claim 11 wherein the lid has a first Rigidity Value and the flange has a second Rigidity Value and wherein the first Rigidity Value is greater than the second Rigidity Value.

20. – 24. (Canceled)

25. (New / Withdrawn) The container of claim 11 comprising the lid including a latch with an elongate first rib projecting horizontally therefrom and the flange including a catch with an elongate second rib projecting horizontally therefrom whereby the first and second ribs removably engage each other in an interference fit to maintain the lid closed and removably disengage each other when the lid is opened and wherein at least one of the first and second ribs has a non-uniform elongate cross-section.

26. (New / Withdrawn) The container of claim 11 comprising the lid including a latch with an elongate first rib projecting horizontally therefrom and the flange including a catch with an elongate second rib projecting horizontally therefrom whereby the first and second ribs removably engage each other in an interference fit to maintain the lid closed and removably disengage each other when the lid is opened and wherein at least one of the first and second ribs has a non-uniform elongate cross-section.

27. (New) The container of claim 11 comprising an elliptical lid such that the pair of toggle straps span a greater distance than the central strap.

28. (New) The container of claim 11 wherein the pair of toggle straps are under compression when the lid is closed and the pair of toggle straps are under increased tension as the lid is opened until reaching the second position wherein the tension in the pair of toggle straps is relaxed.